

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

BOB RILEY,
Charging Party

HRB CASE NO. 0131016451

-v-

FINAL AGENCY DECISION

BICENTENNIAL APARTMENTS,
Respondent

Charging Party, Bob Riley (Riley), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Riley's allegations that Respondent, Bicentennial Apartments, discriminated against Riley. The Department issued a Notice of Dismissal. Riley filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 13, 2014. Bob Riley appeared and argued on his own behalf. Thomas R. Scott appeared and argued on behalf of Bicentennial Apartments.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion. Therefore the objection is overruled.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

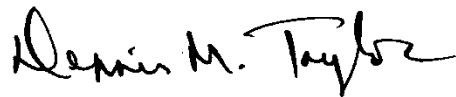
Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review

must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

Section 2-4-702(2), MCA.

IT IS HEREBY ORDERED, that Bob Riley's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Bicentennial Apartments.

DATED this 15th day of May, 2014.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is written in a cursive, flowing style with a prominent initial "D".

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 15th day of May, 2014.

BOB RILEY
P.O. BOX 603
DILLON, MT 59725

THOMAS R. SCOTT
ATTORNEY AT LAW
22 NORTH PACIFIC STREET
DILLON, MT 59725

A handwritten signature in black ink, reading "Annah Smith". The signature is written in a cursive style with a horizontal line underneath.

Annah Smith, Legal Secretary
Montana Human Rights Bureau